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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,716	06/23/2003	Ralph Silva		5869

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EXAMINER	
GUIDOTTI, LAURA COLE	
ART UNIT	PAPER NUMBER
1744	

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/600,716	SILVA, RALPH	
	Examiner	Art Unit	
	Laura C. Guidotti	1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 December 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 2 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 2 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 June 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 2 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. New claim 2 presented by the Applicant includes the limitation "...the face plate and main body comprised of wrought aluminum..." The Applicant's drawings and disclosure does not provide support for a wrought aluminum face plate

and main body or any specific material that the face plate and main body is comprised of, other than a metal.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Silverman et al., USPN 6,637,064 in view of Salecker, USPN 5,507,062.

Silverman et al. disclose the claimed invention including a main body (130) and a face plate (135), the main body in the shape of a flattened cylinder (see Figure 5), the face plate in the shape of a flattened cylinder (see Figure 5), the face plate attached removably to the main body by the means of a lock ring (140; Column 5 Lines 48-50), the face plate and main body each possessing a cable guide hole (145; see Figures), the face plate attached to the main body such that the cable guide hole of the face plate (which is unlabeled, shown in Figures) and the cable guide hole (145) lie over each

other (see Figures 3-4), the face plate capable of rotating around the central hole of the main body (Column 6 Lines 34-35), the face plate possessing a control handle fixedly attached to the circumference of the face plate (220; Figure 5), the face plate possessing a plurality of piston screw access holes (141), the piston screw access holes in the shape of an elongated oval (see Figures, particularly Figure 5 in which the holes are not labeled), the main axis of the oval shape aligned with the radius of the circular faceplate (see Figures, particularly Figure 5 in which the holes are not labeled), the main body possessing a plurality of piston holes (150A, 150B, 150C), each of the piston holes cut through the main body from circumference to the cable guide hole of the main body (see Figures, particularly Figure 4), each piston hole containing a piston inserted removably into each piston hole (155), each piston possessing a piston screw removably attached to the piston (180), each piston screw positioned such that it protrudes through a cam screw hole cut in the flat surface of the main body (unlabeled, shown best in Figure 5), each cam screw hole connecting the surface of the main body with a piston hole (see Figure 5), each cam screw hole in the shape of an elongated oval (see Figure 5 and as shown in 3A), the long axis of the oval shape of the cam screw hole perpendicular to the radius of the main body (again unlabeled, see arrangement as shown in Figure 3A), the piston screw holes of the face plate and can screw holes of the main body positioned such that one piston screw hole is placed over one cam screw hole when the face plate and main body are connected to each other (see Figure 3A), the piston screw protruding through the cam screw hole and through the corresponding piston screw hole (see Figures 3, 3A), each piston capable of being

rotated around its long axis within the piston hole by means of grasping a control handle fixedly attached to the face plate circumference and turning the face plate around the guide hole until the piston screws reach the end of the cam screw holes (Column 6 Lines 34-51), the motion of the piston screws forcing each piston to turn around its long axis within the piston hole (axis "162"; Column 6 Lines 42-47), each piston possessing a central end near the cable guide hole (unlabeled upper portion of "160", see Figures 6A-6B), the central end of each piston possessing cams fixedly attached to the piston (165), the cams configured to grasp a plumbers snake cable (115), the direction of motion of the plumbers snake cable through the cable guide hole controlled by the orientation of the cams on each piston and the orientation of the cams on each piston controlled by the rotational orientation of the piston (Column 6 Lines 42-63), an adjustment screw handle inserted through the circumference of the main body (215; see Figures 4-4A) and connected removably to a piston (see Figures 4-4A), the adjustment screw handle threaded in such a manner that rotating the adjustment screw handle moves the piston connected to the adjustment screw handle away from the circumference of the main body and towards the cable guide hole of the main body (Column 6 Lines 23-33), the plumbing cable guide capable of being used (Column 6 Lines 15-63). Silverman does not disclose that the main body has a plurality of grease fittings.

Salecker discloses a device for advancing a rotating cylindrical member including pistons (50, 52, 54) that provides a teaching (in an example of prior art, Figure 6) of body portions (126, 128, 130) that include grease fittings (120, 122, 124) that connect a

plurality of piston holes (132, 134, 136) to an outside surface of the body (see Figure 6) so that there is a lubrication of pistons without disassembly of the device (Column 5 Lines 7-31).

It would have been obvious for one of ordinary skill in the art to modify the main body of Silverman to include a plurality of grease fittings, as Salecker teaches, so that the pistons remain lubricated without having to disassemble the entire device and it would have been obvious for one of ordinary skill in the art at the time the invention was made to have the face plate and main body comprise of wrought aluminum, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious engineering choice. In re Leshin, 125 USPQ 416.

Response to Arguments

4. Applicant's arguments filed 12 December 2005 have been fully considered but they are not persuasive. The Applicant contends that the addition of grease fittings is non-obvious in that all competing devices fail to have any such feature. However, as stated above, Salecker provides a teaching that grease fittings are known and used with cable guides so that pistons remain lubricated.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Guidotti whose telephone number is (571) 272-1272. The examiner can normally be reached on Monday-Thursday, 7:30am - 5pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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